

From: Joe Barr
To: Microsoft ATR
Date: 1/27/02 9:33pm
Subject: Microsoft Settlement

To Whom It May Concern:

My name is Joe Barr. I am a United States citizen residing at 1715 High Road, Kyle, TX, 78640. I have been using personal computers since before the introduction of the IBM PC and the luck of the draw which gave Microsoft its monopoly on the PC operating system market on day one. I have worked in the computing industry since 1974, either as a programmer, manager, consultant or journalist.

I have seen Microsoft's dishonest, duplicitous, and illegal business tactics destroy a healthy market and replace it with one devoid of real innovation and competition. I have seen software developers lose their life's savings as a result of the malignancy of the Microsoft monopoly. I have been witness to the perjury of Bill Gates in the STAC case, the rigged demos in federal courts, and the false statements made under oath of the top Microsoft executives. And I am not alone. Millions of others have seen the same thing.

I am submitting these comments in hopes that they will reach the judge who will rule on the proposed "settlement" between Microsoft and the DOJ in the long-running antitrust case.

I know that many others will be writing to point out their views on the legalities of the settlement. I am not qualified to do that. I am certain that the judge needs no help from me in determining that on her own. I merely wish to state the obvious: the settlement is all about politics, not justice.

There are terrible shortcomings in the proposed settlement. The most notable among them are:

1. The restraints it asserts are weak and inconsequential.
2. No penalties are prescribed for failure to abide by them.
3. The loopholes are larger and more numerous than the restraints.
4. If this settlement is accepted by the court, it will not hamper Microsoft's ability to illegally extend its monopolies one iota. In fact, the settlement will strengthen its ability to do exactly that.

Under the leadership of the Bush administration, the DOJ did not even bother to assign a competent negotiator to the task of reaching a settlement. Ashcroft personally took the United States biggest threat to Microsoft off the table, and Charles White evidently could do nothing but repeat "Yowsa, Mister Gates, Yowsa" at every stage.

No matter that the world knows Microsoft not to be trustworthy, White and Ashcroft leave important matters completely up to Microsoft's judgement in the settlement. Their greatest accomplishment for the United States in the document seems to have been to win the right for the DOJ to jointly (with Microsoft) decide who would oversee the it.

Ashcroft and White have humiliated and shamed the entire Department of Justice in their rush to deliver to Bill Gates and Microsoft the "Get Out Of Jail Free" card promised by President Bush. Their work is nothing short of an indictment of the American legal process: justice for sale to the highest bidder. One administration, one Enron, one Microsoft. Justice for all three.

No mere tinkering with the current settlement would be sufficient to correct the wrongs resulting from Microsoft's past behavior or even to insure they do not continue. A just settlement must contain swift, sure, and painful punishment as a consequence for failure to abide by its terms. Microsoft has proven itself countless times not to trustworthy. They must be made to behave, or else they won't. It is as simple as that.

Here's hoping that you will throw this outrageous political settlement onto the scrapheap where it belongs. Unfortunately, you face opposition to an equitable settlement not only from Microsoft, but from their purchased political appointees as well.

/Signed/

Joe Barr

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